

Claimant alleges he was injured while lifting weights, and contends he is entitled to benefits under the Kansas Workers Compensation Act because the activity was related to his employment. Claimant argues his weightlifting activities were related to his employment because he must remain in good physical condition to perform his job as a counselor/trainer or, in the alternative, the weightlifting was part of a nutrition program he was participating in at the respondent's request that would assist him in selling the respondent's nutrition program. Claimant contends the alleged accident occurred before his shift on August 4, 1994.

The Appeals Board finds the claimant was not performing services on behalf of the respondent at the time of the alleged accident, and the weightlifting activity was not sufficiently related to claimant's job duties to be considered "arising out of" the employment relationship.

The Workers Compensation Act provides in K.S.A. 44-501 that an accidental injury must arise out of and in the course of employment before it is compensable. The two phrases have separate and distinct meanings; they are conjunctive and each condition must exist before compensation is allowed. The phrase "arising out of" employment, points to the cause or origin of the accident and requires some causal connection between the accidental injury and the employment. An injury arises out of the employment when there is, apparent to the rational mind, a causal connection between the condition under which the work is required to be performed and the resulting injury. See Newman v. Bennett, 212 Kan. 562, 512 P.2d 497 (1973).

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge Steven J. Howard entered in this proceeding on November 30, 1994, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of February, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

- c: Michael A. Preston, Overland Park, KS
Matthew W. Tills, Kansas City, MO
Steven J. Howard, Administrative Law Judge
George Gomez, Director